

BEFORE THE  
**Federal Communications Commission**  
WASHINGTON, D.C. 20554

In the Matter of	)	
	)	
Advanced Television Systems	)	MB Docket No. 87-268
and Their Impact upon the	)	
Existing Television Broadcast Service	)	

To: The Commission

**COMMENTS**

Woods Communications Corporation (“Woods”), the licensee of KLCW-TV, Wolfforth, Texas (Facility ID No. 77719), hereby submits its comments in response to the FCC’s Seventh Further Notice of Proposed Rule Making (“FNPRM”) in the above-captioned proceeding (FCC 06-150, released October 20, 2006). For the reasons set forth below, Woods hereby requests that the FCC grant its request for an alternative channel assignment for KLCW-TV, namely digital Channel 43 for post-transition operation.

KLCW-TV operates on NTSC Channel 22 and has not been assigned a paired digital channel. As an in-core single channel, or “singleton,” station, Woods had the option to defer its digital channel election for KLCW-TV until the Second Round. Although Woods did defer its election (*see* FCC File No. BFRECT-20050209AKI), Woods was under the mistaken impression that it had deferred its intended election of digital Channel 43 to the Third Round, not the Second Round. As a result of that inadvertent error, Woods did not submit its election of digital Channel 43 during the Second Round. On May 5, 2006, the Commission released its *Public Notice* announcing the tentative channel designations for stations participating in the Second Round (DA 06-991). Because Woods did not participate in the Second Round, the

FCC automatically assigned KLCW-TV a tentative channel designation on Channel 22, the station's analog channel. *Id.* at 1-2.

Following the release of that *Public Notice*, Woods sought informal advice as to the most appropriate way to rectify its inadvertent error and to secure digital Channel 43 for post-transition operation of KLCW-TV, including whether Woods should submit its election for that channel during the Third Round. FCC staff informally advised that Woods should not submit its election of digital Channel 43 during the Third Round, but instead should wait until the release of the proposed DTV Table of Allotments and file comments in that proceeding requesting an alternative channel assignment for KLCW-TV.

Upon review of the FNPRM, Woods understands that the FCC does not presently contemplate the consideration of requests for alternative channel assignments under these circumstances. FNPRM at 11. However, for the reasons set forth below, Woods believes that good cause exists to waive the restrictions on filing requests for alternative channel assignments and respectfully requests that the FCC consider at this time Woods' request that KLCW-TV be assigned digital Channel for 43 for post-transition operation.

As indicated above, Woods has long intended to elect to operate KLCW-TV on digital Channel 43 and, but for its inadvertent error, would have made that channel election in the Second Round. Woods' desire to operate KLCW-TV on digital Channel 43 is based on compelling business and public interest reasons.

At the outset, Woods rejected flashcutting on its existing analog channel in large measure because doing so would postpone KLCW-TV's initiation of digital service until the end of the transition in February 2009. Such a delayed roll-out of digital service would disadvantage the station with respect to its in-market competitors. In addition, the tower on

which KLCW-TV's analog antenna is located is scheduled for demolition at the end of the digital transition. Given the limited availability of tower space in the market, if KLCW-TV were compelled to operate on digital Channel 22 post transition, the station would have no choice but to operate from a tower that is shorter than its existing tower, which may adversely affect its ability to serve its viewers and further erode its competitive position in the market.

Significantly, these issues would be resolved if Woods were to be authorized to operate from digital Channel 43. Specifically, Woods has reached an understanding with the licensee of another in-market television station that operates from a new, taller tower, to combine their two digital stations in a new broadband antenna. That broadband antenna is equipped to operate on digital Channels 34 through 43, but cannot accommodate digital Channel 22. Because Woods also has access to a transmitter and feedline for use with digital channels 34 to 43, post-transition operation of KLCW-TV on digital Channel 43 would entail minimal up-front costs and would result in improved population coverage within the market. Moreover, operation from digital Channel 43 could enable Woods to initiate digital service on KLCW-TV at some point in 2007 as opposed to February 2009, and would give Woods the ability to implement future population coverage improvements that would not be available on digital Channel 22.

According to the FNPRM, licensees that wish to change their DTV channel allotment but do not fall within one of the approved categories are directed to wait until the DTV Table of Allotments has been finalized to request a change in their allotment. FNPRM at 11. Given that such requests cannot be filed until the proposed DTV Table of Allotments has been finalized and the likelihood that adoption of the final DTV Table will be delayed due to the anticipated filings of petitions for reconsideration (FNPRM at 12), Woods is understandably

concerned that it will not be possible to successfully prosecute such a rule making to amend the DTV Table of Allotments and thereafter complete construction of the new facilities on digital Channel 43, all prior to February 17, 2009, the end of the DTV transition. As a consequence, Woods could be forced to incur, within a very short period of time, the unnecessary and potentially significant costs of construction of two new digital television facilities, the first on digital Channel 22 and the second on digital Channel 43. Woods submits that such an outcome would constitute a disproportionately harsh penalty for its inadvertent failure to submit its digital channel election during the Second Round.

Grant of Woods' request and the approval of its election of digital Channel 43 in this proceeding also would advance the public interest. Because digital Channel 43 remains available for use at Wolfforth, Texas, FCC action on Woods' request would not adversely affect any third parties. In addition, processing Woods' request would eliminate the need to divert scarce Commission resources after the adoption of the final DTV Table of Allotments to the resolution of an issue that should have been resolved during the Second Round of the digital channel election process.

### **Conclusion**

For the reasons set forth herein, Woods respectfully requests that the Commission grant its request for an alternative channel assignment for KLCW-TV and assign that station digital Channel 43 for post-transition operation.

Respectfully submitted,

WOODS COMMUNICATIONS  
CORPORATION

A handwritten signature in black ink, appearing to read "Dan Woods". The signature is fluid and cursive, with a large initial "D" and a stylized "W".

January 25, 2007

President